

REMARKS/ARGUMENTS

In response to the requirement in the Interview Summary mailed on August 21, 2007 that the formal written reply to the last Office Action must include the substance of the interview, the substance of the interview follows.

During the telephonic interview of August 14, 2007, the Examiner took the position that Applicant's proposed amendment to independent claim 1 of "a gap existing between the radially innermost portion of the protective plate and the wheelshaft such that a cooling air flow can pass through the gap and proceed radially along the brake disc" was insufficient to overcome the outstanding rejection based on Borlinghaus et al., EP 1191245 A2. The Examiner indicated that, in her opinion, such a gap did exist, based upon Figs. 1 and 2, and that Applicant's reference to paragraph [0020], lines 1-2, on page 6 of the English translation of Borlinghaus et al., indicating that "the cover plate 8 has an inner edge 17 formed complementary to a contact edge on the caliper carrier 4" was insufficient to exclude the possibility of a gap between the inner edge 17 and the caliper carrier 4. She further indicated, based upon Fig. 1, that there appears to be a gap between inner edge 17 and caliper carrier 4, even though in one region it appears that there is no gap between inner edge 17 and axle body 5.

Applicant further attempted to propose an amendment to claim 1 indicating that the protective plate is drawn somewhat inward toward the brake disc based upon page 5, lines 1-2 of the specification. In response, the Examiner stated that Fig. 2 of Borlinghaus et al. shows portion 11 of cover plate 8 wrapping around brake disc 2.

The Examiner further stated, during the interview, that if Applicant incorporated the subject matter of claim 2, which she has indicated to contain allowable subject matter, (see Office Action, page 5, paragraph 5), in claim 1 that would make the claims allowable.

Applicant asked the Examiner for further suggestions regarding the amendments to make the claims allowable, but she could give no immediate suggestions to that end.

Claims 1, 3, 4, and 9-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borlinghaus et al., EP 1191245 A2. Reconsideration of the rejection is respectfully requested.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Borlinghaus et al. in view of Frouin, U.S. Patent No. 6,626,272. Reconsideration of the rejection is respectfully requested.

Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borlinghaus et al. in view of Ishikawa et al., US. Patent No. 4,207,971. Reconsideration of the rejection is respectfully requested.

Independent claim 1 has been amended to incorporate the subject matter of claim 2 therein, pursuant to the suggestion of the Examiner in the telephonic interview of August 14, 2007, and the claims should now be allowable, pursuant to the Examiner's statement in the telephonic interview of August 14, 2007, and since all of the remaining claims, 3-15, are directly or indirectly dependent upon claim 1. Claim 2 has been canceled, without prejudice or disclaimer, as being redundant to amended claim 1.

Claim 2 was objected to for being dependent upon a rejected base claim, but was stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reconsideration of the objection is respectfully requested.

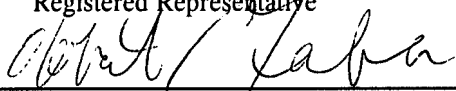
Since claim 2 has been canceled, without prejudice or disclaimer, the objection to claim 2 has been overcome.

In view of the foregoing amendments and remarks, allowance of claims 1 and 3-15 is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 17, 2007:

Robert C. Faber

Name of applicant, assignee or
Registered Representative



Signature

September 17, 2007

Date of Signature

RCF/MIM:lac

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700